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December 27, 2023

**VIA ECF**

Honorable Analisa Torres  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: ***Ilise Heitzner v. Northwell Health, Inc., et al.***, Case No. 1:23-cv-10694-AT  
**Letter Motion to Stay Action (First Request)**

Dear Judge Torres:

This firm represents Defendant Perry Johnson & Associates (“PJ&A”) in the above captioned litigation, which is currently pending in this Court. This putative nationwide class action asserting claims against PJ&A, relating to data security incidents Plaintiff alleges took place in the spring of 2023, was filed on November 15, 2023 in this Court (the “Heitzner Action”).

Thirty-two putative nationwide class actions have been filed against Northwell Health, Inc., and/or Perry Johnson & Associates, Inc. in separate federal district courts relating to the same event (collectively, the “Related Actions” which are listed in Appendix A). On December 8, 2023, plaintiffs in four of the Related Actions<sup>1</sup> (the “Moving Plaintiffs”) filed a motion before the Judicial Panel on Multidistrict Litigation (“JPML”) seeking to transfer the Related Actions to a single forum for coordinated or consolidated pretrial proceedings as provided by 28 U.S.C. § 1407. On December 8, 2023, the JPML instructed the parties to complete briefing on the Moving Plaintiff’s motion by January 8, 2024 and ordered the Moving Plaintiff’s motion to be heard during the JPML’s January 25, 2024 hearing session. The JPML will review the motion for transfer for multidistrict litigation (“MDL”) treatment of the Related Actions.

JP&A requests that Your Honor stay the Heitzner Action pending the JPML’s adjudication of the Moving Plaintiff’s motion and, if such treatment is granted, has identified the transferee court and transferred the Related Actions to that court (if transfer is needed). JP&A respectfully submits that such a stay would preserve both judicial and private resources. JP&A specifically requests that Your Honor order the following stay:

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<sup>1</sup> *Gill v. Perry Johnson & Associates, Inc. and Northwell Health, Inc.*, No. 2:23-cv-01851 (D. Nev. filed Nov. 10, 2023); *Lowery v. Northwell Health, Inc. and Perry Johnson & Associates, Inc.*, No. 2:23-cv-01857 (D. Nev. filed Nov. 13, 2023); *Levitt v. Northwell Health Inc. and Perry Johnson & Associates, Inc.*, No. 2:23-cv-01892 (D. Nev. filed Nov. 16, 2023); and *Shanahan et al. v. Perry Johnson & Associates, Inc., Northwell Health, Inc., and Cook County Health*, No. 2:23-cv-01947 (D. Nev. filed Nov. 22, 2023).

- 2 -

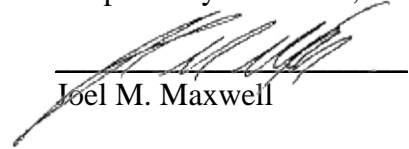
December 27, 2023

1. The Heitzner Action is stayed until the JPML has decided the motions to afford MDL treatment to the Related Actions and, if such treatment is granted, has identified the transferee court and transferred the Related Actions to that court (if transfer is needed).
2. If the Related Actions are afforded MDL treatment, Defendant shall respond to the Heitzner Action's complaint according to the schedule to be set by the transferee court.
3. If the Related Actions are not afforded MDL treatment, Defendant shall respond to the Heitzner Action's complaint within 45 days after the JPML's decision denying MDL treatment.

All parties in the Heitzner Action consent to this request. This is the first request to stay this case. The parties respectfully submit that there is good cause to stay the Action and the requested stay is not for the purpose of delay.

We appreciate the Court's consideration of our request.

Respectfully submitted,

  
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Joel M. Maxwell

cc: All counsel (via ECF)

GRANTED. By **March 1, 2024**, the parties shall submit a status update as to the proceedings before the JPML.

Dated: January 2, 2024  
New York, New York

  
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ANALISA TORRES  
United States District Judge